

**U.S. Pat. Appl. Ser. No. 10/576,683  
Attorney Docket No. 10191/4296  
Reply to Office Action of September 23, 2008**

**REMARKS**

With the addition of new claims 28 to 30, claims 13 to 30 are currently pending in the present application, since claims 1 to 12 were previously canceled. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicants note with appreciation the acknowledgement of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper, and cited references.

The Examiner will note that due to a typographical error in the application there were two claims numbered 24. One of the two claims numbered 24 has been amended herein to be claim 25. The claims following amended claim 25 have also been renumbered accordingly.

Applicants thank the Examiner for indicating that claims 22 to 27 (as renumbered herein) are allowed.

Claims 13 to 20 were rejected under 35 U.S.C. § 102(b) as assertedly anticipated by U.S. Patent Application Publication No. 2001/0035044 (“Larsson”). It is respectfully submitted that Larsson does not anticipate the present claims, and the present rejection should be withdrawn for the following reasons.

Claim 13 relates to a sensor for detecting particles in a gas stream and provides for an intermediate layer separating a first and a second device and including an electrically insulating material. The Office Action refers to structure 4 illustrated in figure 6 of Larsson as assertedly disclosing the intermediate layer. However, Larsson explicitly refers to structure 4 as electrically conducting. See, e.g., Larsson par. 46 and claim 1. Nowhere does Larsson state that the structure 4 includes an electrically insulating material.

Moreover, claim 13 provides that the specified distance between the first and second electrode devices corresponds to the thickness of the intermediate layer. The Office Action does not address this feature. Indeed, any review of Larsson makes plain that it does not disclose, or even suggest, this feature.

For all of the foregoing reasons, Larsson does not disclose, or even suggest, all of the features of claim 13, so that Larsson does not anticipate claim 13 or any of its dependent claims, e.g., claims 14 to 20.

**U.S. Pat. Appl. Ser. No. 10/576,683**  
**Attorney Docket No. 10191/4296**  
**Reply to Office Action of September 23, 2008**

Withdrawal of this anticipation rejection of claims 13 to 20 is therefore respectfully requested.

Claim 21 was rejected under 35 U.S.C. § 103(a) as assertedly unpatentable over Larsson. It is respectfully submitted that Larsson does not render unpatentable claim 21, and the present rejection should be withdrawn for the following reasons.

Claim 21 ultimately depends from claim 13 and is therefore allowable for at least the same reasons as claim 13.

Withdrawal of this obviousness rejection of claim 21 is therefore respectfully requested.

New claims 28 to 30 have been added herein. Claims 28 to 30 do not add new matter and are supported by the present application, including the specification, as originally filed. The Examiner will note that claim 28 includes subject matter analogous to that of claim 22, which has been allowed. Therefore, claim 28 is allowable for at least the same reasons as claim 22. The Examiner will further note that claim 29 includes subject matter analogous to that of claim 23, which has been allowed. Therefore, claim 29 is allowable for at least the same reasons as claim 23. Claim 30 includes subject matter of claim 13 and is therefore allowable for at least the same reasons as claim 13. Additionally, claim 30 provides for a detector detecting an impedance between the first and second electrode devices. Larsson does not disclose or suggest this feature. Claim 30 is therefore allowable for this additional reason.

Accordingly, all of pending claims 13 to 30 are allowable.

**U.S. Pat. Appl. Ser. No. 10/576,683  
Attorney Docket No. 10191/4296  
Reply to Office Action of September 23, 2008**

**Conclusion**

In view of the foregoing, it is respectfully submitted that all of pending claims 13 to 30 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

/Aaron Grunberger/

Dated: January 23, 2009

By: Aaron Grunberger (Reg. No. 59,210) for:  
Gerard A. Messina (Reg. No. 35,952)

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200

**CUSTOMER NO. 26646**